

THIS DOCUMENT WAS NOT WRITTEN FOR PUBLICATION
and is not binding precedent of the Board

27
Paper

Filed by: Trial Section Merits Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

YUTAKA KAWAKAMI and
STEVEN A. ROSENBERG

OCT 4 - 2001

Junior Party,
(Patent 5,844,075),

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

v.

CRAIG L. SLINGLUFF,
VICTOR M. ENGELHARD, DONALD F. HUNT,
JEFFREY SHABANOWITZ, and ANDREA L. COX

Senior Party,
(Application 08/234,784).

Patent Interference No. 104,587

Before SCHAFER, LEE, and GARDNER-LANE, Administrative Patent Judges.

GARDNER-LANE, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Slingluff has filed a paper entitled "CONCESSION OF PRIORITY" (Paper 50).

In the paper, Slingluff states that it concedes priority of the count to Kawakami. Slingluff also states that it requests that adverse judgment be entered against Slingluff.

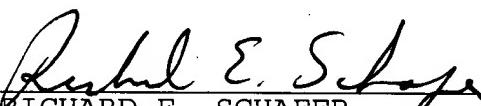
Various preliminary motions were filed in the interference but were subsequently withdrawn (See Papers 47 and 48).

ORDER

Upon consideration of the record of the interference, it is ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against senior party CRAIG L. SLINGLUFF, VICTOR M. ENGELHARD, DONALD F. HUNT, JEFFREY SHABANOWITZ, and ANDREA L. COX;

FURTHER ORDERED that senior party CRAIG L. SLINGLUFF, VICTOR M. ENGELHARD, DONALD F. HUNT, JEFFREY SHABANOWITZ, and ANDREA L. COX, is not entitled to a patent containing claims 35, 38, 53, 60, 66, and 77 of application 08/234,784, which correspond to Count 1; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative records of Kawakami's 5,844,075 patent and Slingluff's 08/234,784 application.


RICHARD E. SCHAFER
Administrative Patent Judge


JAMESON LEE
Administrative Patent Judge

)
BOARD OF PATENT
APPEALS AND
INTERFERENCES


SALLY GARDNER-LANE
Administrative Patent Judge

cc (via facsimile and first class mail):

Attorney for Kawakami (real party in interest,
United States of America, represented by the
Secretary of Health and Human Services):

William S. Feiler
Israel Blum
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154

Tel: 212-758-4800
Fax: 212-751-6849
E-mail: wsfeiler@morganfinnegan.com
E-mail: iblum@morganfinnegan.com

Attorney for Slingluff (real party in interest,
University of Virginia Patent foundation;
licensee Argonex, Inc.):

Iver P. Cooper
Roger Browdy
BROWDY AND NEIMARK
624 Ninth Street, N.W.
Washington, DC 20001-5303

Tel: 202-628-5197
Fax: 202-737-3528
E-mail: icooper@browdyneimark.com